

REMARKS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

This amendment is submitted in accordance with 37 C.F.R. § 1.116 which after final rejection permits entering of amendments canceling claims, complying with any requirement of form expressly set forth in a previous Office Action, or presenting rejected claims in better form for consideration on appeal. The present amendment amends Claims 1 and 9 to address the rejection of those claims under 35 U.S.C. § 112, second paragraph, in the Office Action dated May 27, 2008. Claim 15 has been amended in a similar manner. Therefore, these amendments simply present the rejected claims in better form for consideration on appeal. Thus, no new matter has been added, and this amendment does not raise new issues requiring further consideration and/or search. It is therefore respectfully requested that the present amendment be entered under 37 C.F.R. § 1.116.

Claims 1, 3-9, and 11-17 are currently pending. Claims 1, 9, and 15 have been amended by the present amendment. The changes to the claims are for the purpose of clarification only and do not add new matter.

In the outstanding Office Action, Claims 1 and 9 were rejected under 35 U.S.C. § 112, second paragraph, regarding the use of the term “range”; Claims 1, 4, 6-9, and 11-17 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2002/0026424 to Akashi (hereinafter “the ‘424 application”); Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘424 application; and Claim 5 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the ‘424 application in view of U.S. Patent No. 7,127,431 to Kambayashi et al. (hereinafter “the ‘431 patent”).

Regarding the rejection of Claims 1 and 9 under 35 U.S.C. § 112, second paragraph, Claims 1 and 9 have been amended to address the informality noted in the Office Action. In

particular, Claims 1 and 9 have been amended to recite operating content information “according to,” rather than “within a range of,” usage conditions. Further, Claim 15 has been amended to recite a client configured to use the content information “according to,” rather than “within a range of,” license information. Accordingly, the rejections of Claims 1 and 9 under 35 U.S.C. § 112, second paragraph, are believed to have been overcome.

Amended Claim 1 is directed to an information processing apparatus which can use operating content information according to usage conditions described in license information, comprising:

a storage unit configured to store first license information corresponding to the content information;

a receiving unit configured to receive second license information corresponding to the content information; and

a license processing unit configured to determine whether the second license information is of an add attribute or an overwrite attribute, and to combine the first license information and the second license information based on the determination of whether the second license information is of the add attribute or the overwrite attribute,

wherein the content information is operated according to license information obtained by combining the first license information and the second license information, and

the storage unit is configured to store the license information obtained by combining the first license information and the second license information.

Regarding the rejection of Claim 1 under 35 U.S.C. § 102(e), the ‘424 application is directed to a license issuing and contents reproducing device/method. In particular, the ‘424 application discusses that a license issuing device encrypts license information of contents desired by a user with a device ID of a memory card carried by the user, and writes the encrypted license information in the memory card. Further, the ‘424 application discusses that a contents reproducing device decrypts the license information written in the memory card carried by the user with the device ID of the memory card. The ‘424 contents

reproducing device decrypts encrypted contents, corresponding to the contents of which use is permitted in the decrypted license information, and reproduces the decrypted contents.¹

The outstanding Office Action cites the stored license information including a content ID for teaching the claimed “storage unit,” and the ‘424 contents use condition input means 230 for teaching the claimed “receiving unit.” Further, the Office Action cites contents decryption key acquiring means 240, linking means 250, and contents use condition updating means 910 for teaching the claimed “license processing unit.”²

However, it is respectfully submitted that the ‘424 application fails to disclose a storage unit configured to store **first license information** corresponding to the content information and a receiving unit configured to receive **second license information** corresponding to the content information. Rather, as noted in the Office Action, the ‘424 application discusses **license information that includes a contents ID**. The ‘424 application discusses that **the license information further includes a contents use condition**, generated by a contents use condition input means 230. As discussed in the ‘424 application, the contents use condition input means 230 is included in a license issuing device 200, which further includes a memory card verification means 210, a contents ID input means 220, a contents decryption key acquiring means 240, a linking means 250, and an encryption means 260.³ The ‘424 application discusses that the linking means 250, included in the license issuing device 200, links the contents ID from the contents ID input means 220, the contents use condition from the contents use condition input means 230, and the contents decryption key from the contents decryption key acquiring means 240, to produce license information.⁴ That is, the ‘424 application discusses that **the contents ID**, outputted by the contents ID input means 220, **and the contents use condition**, outputted by the contents use condition

¹ See ‘424 application, Abstract.

² See Office Action dated May 27, 2008, page 3.

³ See ‘424 application, paragraph [0068].

⁴ Id. at paragraph [0073].

input means 230, **are used to produce license information** that is stored on a memory card 100. The '424 application does not disclose that the contents ID and the contents use condition, themselves, are license information (*i.e.*, ***a first license information*** and ***a second license information***), or that the contents ID and the contents use condition include ***usage conditions***, as defined in Claim 1. Thus, the '424 application fails to disclose the "storage unit" and the "receiving unit" defined in Claim 1.

Further, it is respectfully submitted that the '424 application fails to disclose a license processing unit configured to **determine whether the second license information is of an add attribute or an overwrite attribute**, and to combine the first license information and the second license information based on the determination of whether the second license information is of the add attribute or the overwrite attribute. Rather, as noted above, the '424 application discusses that the contents decryption key acquiring means 240 and linking means 250 are included in the **license issuing device 200**, that produces license information and writes the encrypted license information on a memory card 100.⁵ Further, the '424 application discusses that the contents use condition updating means 910 is included in a **separate contents reproducing device 900**, which includes a memory card verification means 210, a contents ID input means 220, a decryption means 310, a separation means 320, a comparison means 330, a reproduction means 340, an encrypted contents database 350, a contents use condition updating means 910, a linking means 920, an encryption means 930, and an encrypted license information updating means 940.⁶ The '424 application discusses that, after completion of the reproduction of the contents, or during the reproduction of the contents, the reproduction means 340 outputs a reproduction detected signal to the contents use condition updating means 910. Upon receipt of the reproduction detected signal, the '424 contents use condition updating means 910 reads the contents use condition from the

⁵ See '424 application, paragraphs [0068], [0073] and [0074].

⁶ *Id.* at paragraph [0142].

reproduction means 340 and **updates a portion of the contents use condition that should be changed after the reproduction**. The '424 application discusses that, for example, when there exists a contents use condition that "the number of times a reproduction is limited to three," the number of times of reproduction is decremented by one to change to two. The resultant contents use condition is output to the '424 linking means 920, included in the contents reproducing device 900, as the updated contents use condition.⁷ Specifically, the '424 application discusses that the linking means 920 links the updated contents use condition with the contents ID, and the contents decryption key, **to produce updated license information**.⁸ The '424 application discusses that the encryption means 930 encrypts the updated license information, and the encrypted license information updated means 940 erases the encrypted license information stored in the license storing means 930 of the memory card 100 and writes the updated encrypted license information.⁹

That is, the '424 application simply discusses a license issuing device 200 and a contents reproducing device 900. The '424 license issuing device 200 includes the cited contents decryption key acquiring means 240 and linking means 250 **to produce license information** to be stored in a license storing means 130 of a memory card 100.¹⁰ Further, the '424 application discusses a contents reproducing device 900 that includes contents use condition updating means 910 for **updating use conditions of contents after reproduction**. The '424 application discusses that **the updated use condition is used to update license information** that is stored in the license storing means 130 of the memory card 100.¹¹ The '424 application does not disclose that the contents use condition itself is the license information. Further, the '424 application does not disclose that the license issuing device 200 or the contents reproducing device 900 *determines* whether the contents use condition *is*

⁷ See '424 application, paragraphs [0150] and [0151].

⁸ *Id.* at paragraph [0152].

⁹ *Id.* at paragraphs [0153] and [0154].

¹⁰ *Id.* at paragraphs [0068] and [0072]-[0074].

¹¹ *Id.* at paragraphs [0142] and [0151]-[0154].

of an add attribute or an overwrite attribute, and *combines* the asserted contents ID and the contents use condition *based on the determination* of whether the contents use condition is of the add attribute or the overwrite attribute. Thus, the '424 application does not disclose the license processing unit defined in Claim 1.

Accordingly, Applicant respectfully traverses the rejection of Claim 1 as being anticipated by the '424 application.

Claim 9 recites, in part,

storing first license information corresponding to the content information;

receiving second license information corresponding to the content information;

determining whether said second license information is of an add attribute or an overwrite attribute; and

combining a part or all of said second license information with the first license information on the basis of a result of the determining.

As noted above, the '424 application fails to disclose the storage unit, the receiving unit, and the license processing unit recited in Claim 1. Thus, the '424 application fails to disclose the method of Claim 9. Accordingly, Applicant respectfully traverses the rejection of Claim 9 as being anticipated by the '424 application.

Claim 15 recites limitations analogous to the limitations recited in Claim 1, although of differing class and/or scope. Accordingly, for reasons analogous to the reasons stated above for the patentability of Claim 1, Applicant respectfully traverses the rejection of Claim 15 as being anticipated by the '424 application.

Dependent Claim 16 is directed to the information processing apparatus according to Claim 1, wherein

the first license information and the second license information have the same data structure.

Regarding the rejection of Claim 16 under 35 U.S.C. § 102(e), the outstanding Office Action asserts that the '424 application teaches that the first license information and the second license information have the same data structure, as discussed with respect to the rejection of Claim 1.¹² However, as noted above, the '424 application simply discusses that the cited contents ID (referring to a code for identifying contents) and contents use condition (corresponding to the second license information) are used **to produce license information**. The '424 application does not disclose that the '424 contents ID and contents use condition, themselves, *are license information*, or that the contents ID and the contents use condition *have the same data structure*. Accordingly, Applicant respectfully traverses the rejection of dependent Claim 16 as being anticipated by the '424 application.

Dependent Claim 17 is directed to the information processing apparatus according to Claim 1, wherein

the license processing unit is configured to determine whether the second license information is of the add attribute or the overwrite attribute based on a usage right type flag included in the second license information.

Regarding the rejection of Claim 17 under 35 U.S.C. § 102(e), the outstanding Office Action cites paragraphs [0151]-[0153] of the '424 application for teaching all the limitations of Claim 17. However, as noted above, paragraphs [0151]-[0153] of the '424 application simply discusses that a contents reproducing device 900 updates a portion of a contents use condition and produces updated license information, which is stored in a license storing means 130 of a memory card 100. The '424 application does not disclose that the contents reproducing device 900 determines whether the contents use condition or the produced updated license information is *of an add attribute or an overwrite attribute*, or that *the determination is based on a usage write type flag* included in the contents use condition.

¹² See Office Action dated May 27, 2008, page 4.

Accordingly, Applicant respectfully traverses the rejection of Claim 17 as being anticipated by the '424 application.

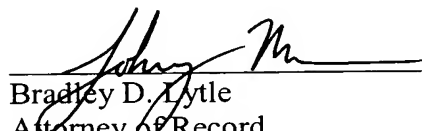
Regarding the rejection of dependent Claim 5 under 35 U.S.C. § 103(a), it is respectfully submitted that the '431 patent fails to remedy the deficiencies of the '424 application, as discussed above. Accordingly, it is respectfully submitted that dependent Claim 5 patentably defines over any proper combination of the '424 application and the '431 patent.

Thus, it is respectfully submitted that independent Claims 1, 9, and 15 (and all associated dependent claims) patentably define over any proper combination of the '424 application and the '431 patent.

Consequently, in view of the present amendment and in light of the above discussion, the outstanding grounds for rejection are believed to have been overcome. The application as amended herewith is believed to be in condition for formal allowance. An early and favorable action to that effect is respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)

Johnny Ma
Registration No. 59,976